

REMARKS

Claims 1 and 3-13 are pending in this application. By this Amendment, claim 1 is amended to further distinguish over the cited references, and claim 2 is canceled. No new matter is added by this Amendment. Support for the language added to claim 1 can be found throughout the original specification, for example in original claim 2 and pages 5-6 of the specification.

I. Rejections Under 35 U.S.C. §103(a)

A. WO 064 evidenced by WO 422, in view of JP 196, Righele and Jensen

Claims 1, 3 and 4 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 97/06064 ("WO 064") as evidenced by WO 96/02422 ("WO 422") in view of JP 08-196196 ("JP 196") and U.S. Patent No. 6,351,927 ("Righele") and U.S. Patent No. 4,919,951 ("Jensen").

Applicant respectfully points out that claim 1 has been amended to incorporate the subject matter of claim 2, and claim 2 has been canceled. Claim 2 was not rejected in this rejection, and thus this rejection is believed to be overcome.

B. WO 064 evidenced by WO 422, in view of JP 196, Righele, Jensen and Vogt

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 064 as evidenced by WO 422 in view of JP 196, Righele, Jensen and U.S. Patent No. 1,953,520 ("Vogt"). This rejection is respectfully traversed.

The Patent Office alleges that WO 064 and JP 196 teach or suggest all of the features recited in claims 1, 3 and 4. The Patent Office has further introduced Righele and Jensen as allegedly teaching synchronized extruding, cutting, and packaging of meat plates as evidence that the length of an extruded meat plate relative to the width depends on the desired weight of the meat. The Patent Office admits that none of WO 064, JP 196, Righele or Jensen teach

or suggest a carton with the lid attached to a bottom panel via a short end. The Patent Office thus introduces Vogt as allegedly teaching this feature.

In the Office Action, the Patent Office further alleged that filling fish as taught by WO 064 is the same as where the food substance is positioned on the bottom of the carton and would obviously be filled toward the cover panel. Applicant respectfully disagrees with the Patent Office's allegations.

Applicant respectfully submits that the cited references do not teach or suggest all of the features recited in the present claims. Specifically, Applicant submits that WO 064, WO 422, JP 196, Righele, Jensen and/or Vogt do not teach or suggest that the first extruded front end of the unfrozen plate of food is introduced onto the bottom panel in a manner whereby the front end of the unfrozen plate of food is located closer to an end of the carton where the one short end panel connects the cover panel to the bottom panel when the cover panel is turned away as recited in claim 1.

Applicant submits that contrary to the Patent Office's assertions, none of the cited references teach or suggest extruding the food substance in the manner recited in the present claims.

In other words, none of WO 064, WO 422, JP 196, Righele, Jensen and Vogt, teaches or suggests extruding the food substance toward the cover panel when it is in an open state in the same manner recited in the present claims, following which the cover panel of the carton packaging is closed.

For the foregoing reasons, Applicant submits that WO 064, WO 422, JP 196, Righele, Jensen and Vogt, in combination or alone, do not teach or suggest all of the features recited in claims 1, 3 and 4. Reconsideration and withdrawal of the rejections are thus respectfully requested.

**C. WO 064 evidenced by WO 422, in view of
JP 196, Righele, Jensen and Battistella**

Claims 5-7 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over WO 064 as evidenced by WO 422 in view of JP 196, Righele, Jensen and U.S. Patent No. 4,907,471 ("Battistella"). This rejection is respectfully traversed.

As explained above, the subject matter of prior claim 2 has been incorporated into claim 1. To this end, Applicants address the present rejection as if claims 5-7 were rejected for further relying upon Vogt, which allegedly teaches the subject matter of prior claim 2.

The Patent Office admits that WO 064, WO 422, JP 196, Righele, Jensen and Vogt do not teach or suggest utilizing a pressure applied to the shelf freezer plates such that the pressure is applied to the top and bottom panels, as recited in claim 5, and that the conveyor is provided with devices, such as freezer frames, that keep the side panels perpendicular to the bottom panel, as recited in claims 6 and 7. The Patent Office thus introduced Battistella as allegedly teaching these features.

However, Applicant submits that Battistella does not remedy the deficiencies of WO 064, WO 422, JP 196, Righele, Jensen and/or Vogt. Specifically, Applicant submits that Battistella also does not teach or suggest that the first extruded front end of the unfrozen plate of food is introduced onto the bottom panel in a manner whereby the front end of the unfrozen plate of food is located closer to the one end of the short panel that is connected to the cover panel than to an opposite short end panel, as recited in claim 1.

For the foregoing reasons, Applicant submits that WO 064, WO 422, JP 196, Righele, Jensen and Battistella, in combination or alone, do not teach or suggest all of the features recited in claims 5-7. Reconsideration and withdrawal of the rejection is thus respectfully requested.

II. Rejoinder

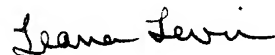
Applicant submits that upon allowance of elected claims 1 and 3-7, withdrawn claims 8-13 should be rejoined and similarly allowed.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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